

Remarks/Arguments

Objection to the Drawings

The Examiner objected to the drawings and indicated that the drawings did not illustrate the focusing bar as recited in Claim 18. Applicant has presented new Figure 10, which illustrates focusing bar 19. Applicant respectfully submits that new Figure 10 includes no prohibited new matter as the focusing bar was originally described in Claim 18, paragraph [0032] and illustrated in U.S. Patent No. 5,271,369 (Melendrez), which patent is incorporated by reference. Applicant has amended the Brief Description of the Drawings and paragraph [0032] in view of the additional of Figure 10.

The objection should be reversed.

The Rejection of Claims 1-9, 12, 14 and 15 under 35 USC §102

The Examiner rejected Claims 1-18 under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,063,368 (Ettehadieh). Applicant respectfully traverses the rejection inasmuch as the rejection may apply to the claims as amended.

Amended independent Claim 1 of the present application includes the limitation that the fuel conditioning device includes at least one magnet disposed adjacent a fuel line wherein the magnet adjacent the fuel line has a metal plate disposed on its upper side. The layer structure of the present invention is, thus, characterized as follows: fuel line-magnet-metal plate. Ettehadieh does not disclose a similar structure. Ettehadieh discloses an assembly comprising four magnets wherein vertically stacked pairs of magnets are disposed side-by-side one another. The magnets whose lower sides are near the fuel line do not comprise those magnets upon which the metal plate is disposed as required by Claim 1. Hence, the layer structure of Ettehadieh is characterized as follows: fuel line-magnet-magnet metal plate. Thus, Ettehadieh does not disclose a metal plate disposed on that magnet adjacent the fuel line and, thus, does not anticipate Claim 1 or those depending therefrom.

With regard to Claim 6, Ettehadijah does not disclose a magnet having a filed strength of at least 2000 gauss; Ettehadijah discloses magnets having magnetic filed strengths between 200-1,500 gauss (See col. 3, lines 20-30). Thus, Ettehadijah does not anticipate Claim 6.

With regard to amended independent Claim 14, amended Claim 14 now includes the limitation wherein a first magnet's lower side is centrally disposed adjacent a longitudinal portion of the fuel line. Ettehadijah does not disclose centrally disposed magnets, but rather, discloses pairs of vertically stacked magnets whose side walls are centrally disposed over a fuel line. Thus, Ettehadijah does not anticipate Claim 14 or those depending therefrom.

Rejection of Claims 10, 11, 13, 16 and 17 under 35 U.S.C. §103(a)

The Examiner rejected Claims 10, 11, 13, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Ettehadijah. Applicant respectfully traverses the rejection inasmuch as the rejection may apply to the claims as amended.

Independent Claim 1, from which Claims 10, 11, 13 depend, includes the limitation that the metal plate is disposed on that magnet adjacent the fuel line. Ettehadijah does not disclose, teach or suggest a similar feature. Ettehadijah discloses an assembly comprising four magnets wherein vertically stacked pairs of magnets are disposed side-by-side one another. The magnets whose lower sides are near the fuel line do not comprise those magnets upon which the metal plate is disposed as required by Claim 1. Thus, the present invention is nonobvious in this regard. Claims 10, 11 and 13 further recite the limitation that two magnets and two metal plates are longitudinally disposed with respect to one another along the fuel line; Ettehadijah does not disclose a similar longitudinally disposed arrangement. Ettehadijah teaches a side-by-side arrangement. Ettehadijah's side-by-side arrangement is wholly contrary to the arrangement of the present invention such that it teaches away from Applicant's arrangement. Thus, Claims 10, 11 and 13 are nonobvious in view of Ettehadijah this regard as well.

With regard to Claims 16 and 17, Claims 16 and 17 depend from independent Claim 14. Independent Claim 14 recites a first double magnet assembly having a magnet whose lower side is centrally disposed adjacent a fuel line. Ettehadijah does not disclose, teach or suggest a

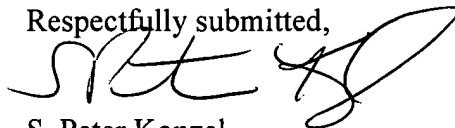
centrally disposed magnet, but rather, teaches pairs of vertically stacked magnets in a side-by-side arrangement wherein the side walls of the magnets are centrally disposed over a fuel line. Ettehadijah, thus, teaches away from the arrangement of Claim 14. Claim 14 also includes the limitation that at least one shield substantially surrounds first and second magnets, a metal plate and a longitudinal portion of the fuel line. Ettehadijah does not teach a shield that surrounds the fuel line. In fact, Ettehadijah discloses a shield that is disposed between the magnet assembly and the fuel line (See Figure 3). Claims 16 and 17 further include the limitation that the first and second double magnet assemblies are longitudinally disposed with respect to one another along the fuel line; Ettehadijah does not disclose, teach or suggest a longitudinally disposed arrangement, but rather, a side-by-side arrangement. Thus, Ettehadijah's arrangement is wholly contrary to that of the present invention such that Ettehadijah teaches away in this regard.

The rejection should be reversed.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



S. Peter Konzel
Registration No. 53,152
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

Dated: December 13, 2004

Attorney Docket No.: ZIGP:102US
U.S. Patent Application No.:10/605,623
Reply to Office Action of August 20, 2004
Date: December 13, 2004

Appendix

Amendments to the Drawings

Applicant's **Appendix** includes new Figure 10. New Figure 10 illustrates focusing bar 19. Applicant respectfully submits that Figure 10 contains no prohibited new matter as the focusing bar was originally described in Claim 18, paragraph [0032] and illustrated in U.S. Patent No. 5,271,369 (Melendrez), which patent was incorporated by reference.